

क्रमांक 3070-ज(II)-75/2398.—पूर्वी पंजाब युद्ध पुरस्कार अधिनियम, 1948 (जैसा कि उसे हरियाणा राज्य में अपनाया गया है और उस में आज तक संशोधन किया गया है) की धारा 2(ए)(1) तथा 3(1) के अनुसार सौंपे गये अधिकारों का प्रयोग करते हुए हरियाणा के राज्यपाल श्री नारायण सिंह, पुत्र श्री राम सरूप, गांव गामड़ी, तहसील गोहाना, जिला सोनीपत को रबी, 1973 से 150 रुपए वार्षिक कीमत वाली युद्ध जागीर सनद में दी गई शर्तों के अनुसार सहर्ष प्रदान करते हैं।

क्रमांक 3081-ज(II)-75/2402.—पूर्वी पंजाब युद्ध पुरस्कार अधिनियम, 1948 (जैसा कि उसे हरियाणा राज्य में अपनाया गया है और उस में आज तक संशोधन किया गया है) की धारा 2(ए)(1ए) तथा 3(1ए) के अनुसार सौंपे गए अधिकारों का प्रयोग करते हुए हरियाणा के राज्यपाल श्री हरजी सिंह, पुत्र श्री हाथी सिंह, गांव मैना, तहसील व जिला रोहतक, को रबी, 1973 से 150 रुपए वार्षिक कीमत वाली युद्ध जागीर सनद में दी गई शर्तों के अनुसार सहर्ष प्रदान करते हैं।

क्रमांक 3159-ज(II)-75/2406.—पूर्वी पंजाब युद्ध पुरस्कार अधिनियम, 1948 (जैसा कि उसे हरियाणा राज्य में अपनाया गया है और उसमें आज तक संशोधन किया गया है) की धारा 2(ए)(1ए) तथा 3(1ए) के अनुसार सौंपे गये अधिकारों का प्रयोग करते हुए हरियाणा के राज्यपाल श्री जय सिंह मलिक, पुत्र श्री मौजी राम मलिक, गांव भैसवाल खुर्द, तहसील गोहाना, जिला सोनीपत, को रबी, 1973 से 150 रुपए वार्षिक कीमत वाली युद्ध जागीर सनद में दी गई शर्तों के अनुसार सहर्ष प्रदान करते हैं।

क्रमांक 2802-ज(II)-75/2410.—पूर्वी पंजाब युद्ध पुरस्कार अधिनियम, 1948 (जैसा कि उसे हरियाणा राज्य में अपनाया गया है और उस में आज तक संशोधन किया गया है) की धारा 2(ए)(1ए) तथा 3(1ए) के अनुसार सौंपे गये अधिकारों का प्रयोग करते हुए हरियाणा के राज्यपाल श्रीमती जीवल कौर, विधवा श्री राम सिंह, गांव हन्सला, तहसील थानेसर, जिला कुरुक्षेत्र को रबी, 1969 से रबी, 1970 तक 150 रुपये तथा खरीफ, 1970 से 150 रुपये वार्षिक कीमत वाली युद्ध जागीर सनद में दी गई शर्तों के अनुसार सहर्ष प्रदान करते हैं।

क्रमांक 3010-ज(II)-75/2414.—पूर्वी पंजाब युद्ध पुरस्कार अधिनियम, 1948 (जैसा कि उसे हरियाणा राज्य में अपनाया गया है और उस में आज तक संशोधन किया गया है) की धारा 2(ए)(1ए) तथा 3(1ए) के अनुसार सौंपे गए अधिकारों का प्रयोग करते हुए हरियाणा के राज्यपाल श्री शिववरण सिंह साही, पुत्र श्री केसर सिंह साही, निवासी पानीपत, तहसील पानीपत, जिला करनाल, को रबी, 1973 से 150 रुपए वार्षिक कीमत वाली युद्ध जागीर सनद में दी गई शर्तों के अनुसार सहर्ष प्रदान करते हैं।

दिनांक, 27 जनवरी, 1976

क्रमांक 2957-ज(II)-75/2597.—पूर्वी पंजाब युद्ध पुरस्कार अधिनियम, 1948 (जैसा कि उसे हरियाणा राज्य में अपनाया गया है और उसमें आज तक संशोधन किया गया है) की धारा 2(ए)(1ए) तथा 3(1ए) के अनुसार सौंपे गये अधिकारों का प्रयोग करते हुए हरियाणा के राज्यपाल निम्नलिखित व्यक्तियों को वार्षिक कीमत वाली युद्ध जागीर उनके सामने दी गई फसल तथा राशि एवं सनद में दी गई शर्तों के अनुसार सहर्ष प्रदान करते हैं:—

क्रमांक	जिला	जागीर पाने वाले का नाम	गांव व पता	तहसील	फसल/वर्ष जब से जागीर दी गई	वार्षिक राशि
1	2	3	4	5	6	7
						रु०
1	रोहतक	श्री दरिया सिंह, पुत्र श्री हरी राम	रिटोली	रोहतक	रबी, 1973 से	150
2	..	श्री मुरजन सिंह, पुत्र श्री जुग लाल	पाकसमा	..	रबी, 1973 से	150

1	2	3	4	5	6	7
						रुपये
3	रोहतक	श्री दलीप सिंह, पुत्र श्री रामदिया	वावेडा	रोहतक	रबी, 1973 से	150
4	..	श्री कटार सिंह, पुत्र श्री बदलू राम	बहुभक्तवरपुर	..	रबी, 1973 से	150
5	..	श्रीमति तेजो देवी, विधवा श्री. बजे सिंह	घामर	..	रबी, 1973 से	150
6	..	श्री मकर सिंह, पुत्र श्री ताहनू	घुनकावी	..	खरीफ, 1965 से रबी, 1970 तक खरीफ, 1970 से	100 150

यशवन्त कुमार जैन,
विशेष कार्य अधिकारी, हरियाणा सरकार,
राजस्व विभाग ।

LABOUR AND EMPLOYMENT DEPARTMENT

CORRIGENDUM

The 29th January, 1976

No. 14404-5Lab-75/805.—In Haryana Government notification No. 12786-5Lab-75/33955, dated the 14th December, 1975 the words "30-9-75 to 29-9-75" may be substituted by "30-9-75 to 29-9-76".

P. P. CAPRIHAN, Com. & Secy.

LABOUR DEPARTMENT

The 16th January, 1976

No. 13913-4Lab-75/1734.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer Industrial Tribunal, Faridabad in respect of the dispute between the workmen and the management of M/s Rohtak Delhi Transport Private Limited Rohtak.

BEFORE SHRI MOHAN LAL JAIN, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,
HARYANA, FARIDABAD

Reference No. 35 of 1975

between

SHRI SOHAN SINGH WORKMAN AND THE MANAGEMENT OF M/S ROHTAK
DELHI TRANSPORT PRIVATE LIMITED, ROHTAK.

AWARD

By order No. ID/RK/74/7869, dated 4th February, 1975 the Governor of Haryana, referred the following dispute between the management of M/s Rohtak Delhi Transport Private Limited, Rohtak and its workman Shri Sohan Singh to this Tribunal, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947.

Whether the action of the management in not giving preference to Shri Sohan Singh Conductor while making new recruitment of conductor is justified and in order? If not, to what relief is he entitled?

The parties appeared before me in response to the notice of reference sent to them and filed their pleadings.

Whereas the workman alleged,—*vide* statement of claim, filed by him, that the management had employed conductors after his illegal retrenchment on 12th June, 1973, in preference to him, the management pleaded that the workman resigned in May, 1973 and other workmen had been reinstated after the date of his resignation. The workman,—*vide* rejoinder filed by him denied having resigned his job.

The following issues were thus framed on pleas of the parties,—*vide* may order. dated 8th August 1975

- (1) Whether Shri Sohan Singh workman resigned from his job in May, 1973 ?
- (2) Whether the management reinstated employee junior to Shri Sohan Singh after his retrenchment ?
- (3) If yes, whether the action of the management is not giving preference to Shri Sohan Singh, Conductor while making new recruitment of conductor is justified and in order ? If not, to what relief is he entitled ?

Shri Surjit Singh authorised representative for the management made a statement on 1st September, 1975 that he did not propose to adduce any evidence on issue No. 1. The workman led his evidence on issue No. 2 on 1st September, 1975 and the case was adjourned to 17th September, 1975 for recording the evidence of the management on issue No. 3 and their rebuttal on issue No. 2. No witness for the management was present on 17th September, 1975 and on a request made by him for grant of an adjournment for adducing evidence, the case was adjourned to 1st December, 1975 on payment of Rs 20 as costs. None appeared for the management on 1st December, 1975 and the costs remained unpaid with the result that *ex-parte* proceedings were taken up against them.

I have gone through the record with reference to the evidence led by the workman and considered the whole matter. I decide the issues as under :—

Issue No 1.—In absence of any evidence for the management on this issue I decide the same against them.

Issue No. 2.—Shri Sohan Singh workman appeared as his own witness and deposed that he was retrenched in the year, 1973 and the management employed Conductors namely Balwant Singh and Narinder Kumar only 1½ months after his retrenchment in preference to him without giving any opportunity to him to join duty as a conductor. He claimed reinstatement with effect from March, 1974, even though according to his statement he is entitled to the same with effect from 1st August, 1973. He gave out that he was getting Rs 370 per month as his emoluments on the date of retrenchment.

I see no reason to disbelieve the statement of Shri Sohan Singh, particularly when the proceedings against the respondents are *ex parte* and they have not taken care even to rebut the statement of the workman. Their plea in respect of the resignation of the workman have already been found unsubstantiated, this circumstance also lends support to the testimony of Shri Sohan Singh.

I, therefore, relying on the evidence of Shri Sohan Singh workman himself, decide this issue in his favour.

Issue No. 3.—The action of the management in employing conductors or reinstating conductors junior to Shri Sohan Singh after the later's retrenchment is thus obviously unjust and in violation of the provision of section 25-H of the Industrial Disputes Act. I, therefore, decide this issue against the management.

The result is that the workman is entitled to be reinstated with effect from 1st March, 1974 as claimed by him with full wages from that date at the rate of Rs 370 per month. I return the award accordingly.

MOHAN LAL JAIN.

Dated 1st December, 1975

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

The 19th January, 1976

No. 14517-4Lab-75/1915.—In pursuance of the provisions of Section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad in respect of the dispute between the workmen and the management of M/s J. Steel & Co., (India) Private Limited, Plot No. 28, Sector 6, Faridabad.

BEFORE SHRI MOHAN LAL JAIN, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL
HARYANA, FARIDABAD

Reference No. 152 of 1975

between

SHRI BACHAN YADEV WORKMAN AND THE MANAGEMENT OF M/S J. STEEL & CO.,
(INDIA) PRIVATE LIMITED, PLOT NO. 28, SECTOR-6, FARIDABAD

AWARD

By order No. ID/FD/75/18/60277, dated 18th September, 1975 the Governor of Haryana, referred the following dispute between the management of M/s J. Steel & Co., (India), Private Limited, Plot No. 28, Sector-6, Faridabad and its workman Shri Bachan Yadav to this Tribunal, in exercise of the powers conferred by clause (d) of sub-section (1) of section 19 of the Industrial Disputes Act, 1947.

Whether the dismissal of Shri Bachan Yadav was justified and in order? If not, to what relief is he entitled?

Neither the workman nor his authorised representative is present today despite being directed to appear. The absence of the workman indicates his want of interest in the demand made by him on the management leading to this reference.

I as such hold that there is now no dispute between the parties requiring adjudication. I answer the reference and return a no dispute award accordingly in terms of my findings.

MOHAN LAL JAIN,

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

Dated the 19th December, 1975.

No- 14515-4Lab-75/1925.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947) the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad in respect of the dispute between the workmen and the management of M/s Elson Cotton Mills (P) Ltd., Mathura Road, Ballabgarh.

BEFORE SHRI MOHAN LAL JAIN, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,
HARYANA, FARIDABAD

Application No. 12 of 1975 under section 33-A of the Industrial Dispute Act, 1947.

between

SHRI SURAT RAM WORKMAN AND THE MANAGEMENT OF M/S ELSON COTTON
MILLS (P) LTD. MATHURA ROAD, BALLABGARH

AWARD

This is a complaint made by the workman Shri Surat Ram against the respondent on the allegation that the latter were guilty of contravention of the provision of sub-section 2 (b) of section 33 of the Industrial Disputes Act, 1947, hereinafter referred to as the Act, inasmuch as they illegally dismissed him during the pendency of an industrial dispute No. 104 of 1970 of a general nature, in the Industrial Tribunal between the workman and the management relating to bonus, without obtaining approval of their action.

The management pleaded that the petition of the workman was barred by time. On merits they stated that the workman had neither been dismissed nor discharged from service during the pendency of the industrial dispute in the Tribunal and that he continued to be in their employment and that they had only resorted to lay off and retrench workman on account of shortage of power. They set up a case that Shri Surat Ram workman was retrenched and offered one month's notice pay and retrenchment compensation which he did not collect and that he was subsequently recalled and taken in service.

The workman reiterated his allegation made in the petition in the rejoinder filed by him while controverting the pleas of the management

The management did not put in their appearance on 15th December, 1975 despite being directed to do so with the result that they were proceeded with *ex parte* on that date.

The workman appeared as his own witness in *ex parte* evidence on 16th December, 1975 and deposed that his services as a Taxman on wages of Rs. 6.39 P. per day had been illegally terminated by the management on 26th August, 1971 during the pendency of a general reference as alleged by him in his complaint. He however admitted that he had been subsequently assigned duties on 27th January, 1975 without any appointment letter and he did not know if his services had been treated as continuous or not. He claimed his back wages of the intervening period from 26th August, 1971 the date of termination of his services till the date of his reinstatement on 27th January, 1975.

I see no reason to disbelieve the statement of the workman particularly when the proceedings against the management are *ex parte* and they have not cared to defend the complaint. I, therefore, relying on his statement hold that his services had been terminated illegally on 26th August, 1971 by the management during the pendency of a general reference between the workman and the management relating to bonus without seeking approval of the Tribunal and without sufficient cause.

The result is that the workman is entitled to be reinstated with effect from 26th August, 1971 with continuity of service and wages for the period from 26th August 1971 to 27th January, 1975. I decide the complaint accordingly in terms of my findings made above.

Dated 24th December, 1975.

MOHAN LAL JAIN,

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 1787, dated 24th December, 1975

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

Dated 24th December, 1975.

MOHAN LAL JAIN,

Presiding Officer,
Industrial Tribunal, Haryana
Faridabad.

No. 14519-4Lab-75/1927.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workman and the management of M/s Oswal Steels, Plot No. 263, Sector 24, Faridabad.

BEFORE SHRI MOHAN LAL JAIN, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,
HARYANA, FARIDABAD

Reference No. 129 of 1975

between

SHRI K. L. MATA, WORKMAN AND THE MANAGEMENT OF M/S OSWAL STEELS,
PLOT NO. 263, SECTOR-24, FARIDABAD

AWARD

By order No. ID/FD/75/51487, dated 23rd July, 1975 the Governor of Haryana, referred the following dispute between the management of M/s Oswal Steels, Plot No. 263, Sector-24, Faridabad and its workman Shri K. L. Mata to this Tribunal, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947.

Whether the termination of services of Shri K. L. Mata was justified and in order? If not, to what relief is he entitled?

The parties appeared on 13th November, 1975 in response to the notices of reference sent to them. They were directed to appear on 14th November, 1975. The workman was asked to file his statement of claim on that date. He did not file his statement of claim on 14th November, 1975 and absented himself with the result that the *ex parte* proceedings were taken up against him on that date and the management were directed to adduce their *ex parte* evidence on 19th December, 1975.

Neither the workman nor the management put in their appearance on 19th December, 1975 leading to a conclusion that none of the parties was interested in pursuing the reference and there was now no dispute between them requiring adjudication.

I hold accordingly and answer the reference in terms of my findings while returning a no dispute award.

MOHAN LAL JAIN,

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

The 24th December, 1975

No. 14539-4Lab-75/1989.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad in respect of the dispute between the workmen and the management of M/S (i) Swastik Industries, Bhiwani, (ii) B. B. Industrial Product, Bhiwani.

BEFORE SHRI MOHAN LAL JAIN, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,
HARYANA FARIDABAD

Reference No. 254 of 1974

between

THE WORKMEN AND THE MANAGEMENT OF M/S (i) SWASTIK INDUSTRIES,
BHIWANI AND (ii) B. B. INDUSTRIAL PRODUCT. BHIWANI

AWARD

By order No. ID/HSR/134-A-74/38417, dated 28th November, 1974 the Governor of Haryana, referred the following dispute between the management of M/s (i) Swastik Industries, Bhiwani and (ii) B. B. Industrial Product, Bhiwani and its workmen to this Tribunal, in exercise of the powers conferred by clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947.

Whether all the workmen of the Factory should be confirmed ? If so, with what details ?

Neither the workmen nor the management put in his appearance on 10th December, 1975, despite directions given to the workmen to file his statement of claim on that date. The absence of the parties despite directions to appear on 10th December, 1975 indicates that the workmen is not interested in pursuing the demand raised by him on the management leading to this reference and there is now no dispute between the parties requiring adjudication.

I thus hold accordingly and answer the reference while returning a no dispute award.

Dated the 15th December, 1975.

MOHAN LAL JAIN,

Presiding Officer,
Industrial Tribunal Haryana,
Faridabad.

The 20th January, 1976

No. 101-4Lab-76/1985.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad in respect of the dispute between the workmen and the management of M/s Haryana Roadways Gurgaon.

BEFORE SHRI MOHAN LAL JAIN, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,
HARYANA, FARIDABAD

Reference No. 29 of 1973

between

SHRI ISHWAR SINGH, WORKMAN AND THE MANAGEMENT OF M/S HARYANA
ROADWAYS, GURGAON

AWARD

By order No. ID/GG/91-C-71/101244, dated 13th March, 1973, the Governor of Haryana, referred the following dispute between the management of M/s Haryana Roadways, Gurgaon and its

workman Shri Ishwar Singh to this Tribunal, in exercise of the powers conferred by clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947

Whether the termination of services of Shri Ishwar Singh, was justified and in order? If not, to what relief is he entitled?

The parties appeared in this Tribunal in response to the notice of reference sent to them and filed their pleadings giving rise the following issues.

(1) Whether the demand the subject matter of the present reference was first raised on the management and rejected by it? If Not, with what effect? (on workman),

(2) Whether the termination of services of Shri Ishwar Singh was justified and in order? If not, to what relief is he entitled?

Issue No. was decided in favour of the workman vide order dated 24th April, 1974 of Shri O. P. Sharma my learned predecessor, the then Presiding Officer, Industrial Tribunal Haryana.

The domestic enquiry held by the enquiry officer against the workman into the charges relating to miss-appropriation of Government money, at the instance of the management, was held as vitiated vide order dated 30th May, 1975 of my learned predecessor. The management closed their evidence on 29th September, 1975, led by them on the merits of the case and the case was adjourned to 23rd December 1975 for recording the evidence of the workman in rebuttal.

Shri K. L. Piplani authorised representative for the respondent made a statement on 23rd December, 1975 that the management with-drew its order dated 4th August, 1972 relating to the termination of services of the workman. He, however, prayed that the reference be dismissed as infructuous.

The with-drawal of the order dated 4th August, 1972 of termination of the services of the workman, would obviously entitle the workman to all reliefs consequent upon the with-drawal of the impugned order by the management and not to dismissal of the reference as prayed for by Shri K. L. Piplani authorised representative for the management.

The factum in respect of the with-drawal of the order dated 4th August, 1972 of the termination of services of the workman by the management being admitted, I direct that the workman shall be entitled to reinstatement with effect from 4th August, 1972 with continuity of services and all back wages till the date of his reinstatement. I thus answer the reference and return the award in terms of my finding made above.

MOHAN LAL JAIN.

Dated 29th December, 1975.

Presiding Officer,
Industrial Tribunal, Haryana.
Faridabad

No. 1806, dated 30th December, 1975

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

MOHAN LAL JAIN.

Dated 30th December, 1975.

Presiding Officer,
Industrial Tribunal, Haryana.
Faridabad.

No. 14516-4Lab-75/1987.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad in respect of the dispute between the workmen and the management of M/s Bharat Carpets Limited, Gurukul Indra Prastha Estate, Mathura Road, Faridabad

BEFORE SHRI MOHAN LAL JAIN, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,
HARYANA, FARIDABAD

Reference No. 156 of 1975

between

THE WORKMEN AND THE MANAGEMENT OF M/S BHARAT CARPETS LIMITED,
GURUKUL INDRA PRASTHA ESTATE, MATHURA ROAD, FARIDABAD

AWARD

By order No. ID/FD/60715, dated 23rd September, 1975, the Governor of Haryana, referred the following dispute between the management of M/s Bharat Carpets Limited, Gurukul Indra Prastha Estate, Mathura Road, Faridabad, and its workman to this Tribunal, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 : -

- (1) Whether the grades and scales of pay of the workman should be revised ? If so, with what details ?
- (2) Whether the workmen should be provided with Apparons, Gloves and Gum boots ? If so, with what details ?
- (3) Whether the workmen are entoled to the payment of over-time wages ? If so, with what details ?

The parties appeared in this Tribunal in response to the notices of reference sent to them.

Shri Pritam Singh, General Secretary, Bharat Carpet Karamchhari Union, who raised the demand on the management on behalf of the workmen leading to this reference made a statement that the demand had been satisfied by way of a settlement made during conciliation proceedings between the parties under section 12(3) of the Industrial Disputes Act and that he as such did not propose to pursue the demand leading to the reference. Shri Nem Dass Gupta also agreed with Shri Pritam Singh while stating that the settlement had been arrived at between the parties.

It would thus appear that there is now no dispute between the parties requiring adjudication. I hold accordingly and answer the reference with a no dispute award in terms of my findings.

Dated 19th December, 1975.

MOHAN LAL JAIN,

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 1776, dated the 19th December, 1975.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

Dated the 19th December, 1975

MOHAN LAL JAIN

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad

The 21st January, 1976

No. 235-4Lab-76/1977.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Haryana, Rohtak in respect of the dispute between the workmen and the management of M/s Bengal National Textile Mills, Ltd., Faridabad.

BEFORE SHRI MOHAN LAL JAIN, PRESIDING OFFICER, LABOUR COURT, HARYANA,
ROHTAK

Reference No. 222 of 1971

between

SHRI BHOLA NATH AND THE MANAGEMENT OF M/S BENGAL NATIONAL TEXTILE
MILLS, LTD., FARIDABAD

AWARD

By order No. ID/FD/558-C-71/32342-46, dated 4th November, 1971 of the Governor of Haryana, the following dispute between the management of M/s Bengal National Textile Mills Ltd., Faridabad and its workman Shri Bhola Nath was referred for adjudication to this court, in exercise of the powers conferred by clause (c) of sub-section (i) of Section 10 of the Industrial Disputes Act, 1947 :

“Whether the termination of services of Shri Bhola Nath was justified and in order? If not, to what relief is he entitled?”

The parties appeared in this court in response to the notices of reference sent to them and filed their pleadings.

The management,—*vide* written statement filed by them pleaded that the workman failed to raise a demand directly on them before taking the matter to the Conciliation Officer and as such there was no industrial dispute and the reference was bad in law. They further resisted the demand of the workman on the ground that he was actually in the employment of the Silk Mills Division and not in their employment and as such a reference impleading them as a party could not legally be made and that the provisions of section 2-A of the Industrial Disputes Act under which the reference had been made were *ultra vires* of the provisions of article 14 of the constitution of India. On merits they stated that the workman was charged for being grossly negligent in the performing of his duties resulting in the damaging of cloth and on an enquiry held against him the charge was found substantiated. They further stated that the enquiry was held strictly in accordance with the principles of natural justice with full opportunity to the workman to participate therein and cross-examine their witnesses and adduce his defence evidence. They finally gave out that on consideration of the finding of the Enquiry Officer the workman was dismissed for misconduct committed by him.

The workman filed rejoinder reiterating his allegations made in the notice of demand and controverting the pleas of the respondent, with the result that the following issues were framed on pleas of the parties,—*vide* order dated 27th April, 1972.

1. Whether the demand the subject matter of the present reference was first raised on the management and rejected by it before taking up the matter for conciliation? If not, with what effect?
2. Whether the reference is also in valid because the workman was in the employment of the Silk Mill Division and not Bengal National Textile Mills Ltd., Faridabad?
3. Whether the objection regarding the constitutional validity of section 2-A can be raised in this court?

I have heard the management *ex-parte*, inasmuch as the workman failed to put in his appearance or arrange for his representation through some other person on 23rd September, 1975 the date hearing of this. I decide the issues as under with reference to the *ex-parte* evidence of the management.

Issue No. 1—

I for the reasons stated by me in my order dated 10th October, 1975 in the case of Shri S. C. Sethi *versus* M/s Kirloskar Oil Engine (P) Ltd., Faridabad hold that it was no longer necessary for the workman to raise a demand directly on the management and for the later to reject it in order to constitute an industrial dispute. I decide this issue accordingly in favour of the workman.

Issue Nos. 2 & 3—

The management did not press the pleas covered,—*vide* these issues which are as such decided against them.

On merits, the management examined Shri C. K. Aggarwal, Enquiry Officer appointed by them for holding an enquiry into the charge-sheet served on the workman. He proved the proceedings of the enquiry exhibit M. 4, pages 7 to 49 and his report pages 50 to 53 to be under his signatures and correct. He

stated that he had given full opportunity to the workman to participate in the enquiry, cross-examine the witnesses for the management and adduce his defence evidence. Exhibit M. 1 is the letter relating to the appointment of Shri C. K. Aggarwal as an Enquiry Officer. The charge-sheet served on the workman and inquired into is Exhibit M. 2 and the reply of the workman filed by him is Exhibit M. 3.

Shri B. K. Akhori, Personnel Officer of the respondent proved the endorsement Exhibit M. 5 of Shri S. B. Sabharwal and the endorsement marked 'B' of Shri Hari C. Gupta, Director of the respondents to be under the signatures of Shri Sabharwal and Gupta respectively. He further proved the letter Exhibit M. 7 relating to the dismissal of the workman to be under the signatures of Shri Sabharwal and gave out that he identified the signatures of these officers well as he had seen them signing often.

I see no reason to disbelieve the evidence of Shri C. K. Aggarwal and Shri B. K. Akhori particularly when the proceedings against the workman are *ex parte* and he did not care to pursue the demand raised by him on the management leading to this reference and the proceedings of the enquiry have been brought on record in corroboration thereof. I accordingly relying on their evidence and the records of the enquiry hold that the enquiry held against the workman into the charge-sheet framed against him was in accordance with the principles of natural justice and the workman had been rightly dismissed and he is not entitled to any relief. I answer the reference accordingly while returning the award in terms of my findings arrived at by me. There shall be no order as to costs.

MOHAN LAL JAIN,

Presiding Officer,
Labour Court, Haryana,
Rohtak.

Dated the 26th December, 1975.

No. 23, dated 1st January, 1976.

Forwarded (four copies) to the Secretary to Government of Haryana, Labour and Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

MOHAN LAL JAIN,
Presiding Officer,
Labour Court, Haryana,
Rohtak.

The 21st January, 1976

No. 96-4Lab-76.2202. - In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad in respect of the dispute between the workmen and the management of M/s A and J Main & Company (Engineers), Private Limited, Plot No. 57, Sector 6, Faridabad.

BEFORE SHRI MOHAN LAL JAIN, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,
HARYANA, FARIDABAD

Reference No. 57 of 1975

between

THE WORKMEN AND THE MANAGEMENT OF M/S A AND J MAIN & COMPANY
(ENGINEERS) PRIVATE LIMITED, PLOT No. 57, SECTOR 6, FARIDABAD

AWARD

By order No. ID/FD/75/14097, dated 10th March, 1975, the Governor of Haryana, referred the following dispute between the management of M/s A and J Main & Company (Engineers), Private Limited, Plot No. 57, Sector 6, Faridabad and its workmen to this Tribunal, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of Industrial Disputes Act, 1947.

Whether the workmen should be supplied uniforms? If so, with what details?

The management put in their appearance on 26th December, 1975 in response to the notice of reference sent to them. Neither the workmen nor their authorised representative, however, appeared before me on that date despite service of notice of reference directing them to do so. The workmen were therefore, proceeded with *ex parte* on that date. As would appear from the dispute as referred to this Tribunal, the burden of proof of the demand raised by the workmen on the management lies squarely on them and the same has remained undischarged as a result of their absence on the date of hearing fixed in the case.

It is thus obvious that the workmen are not entitled to supply of uniforms by the management as claimed by them. I thus answer the reference while returning the award in terms of my findings.

MOHAN LAL JAIN,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

Dated the 30th December, 1975.